

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MICHAEL D. AMARAL,)

Plaintiff,)

-against-)

PENN MARITIME, INC.,)

Defendant.)

CIVIL ACTION NO.: 04-11778-GAO

PRE-TRIAL MEMORANDUM

1. Concise summary of the evidence that will be offered by:

a. Plaintiff:

Plaintiff expects the evidence at trial to establish that he was a seaman on a vessel, the Penn 2, owned by the Defendant. While working on the Penn 2, the Plaintiff climbed a ladder that was placed on the deck of the vessel in order to secure the vessel to a dock. While Plaintiff was attempting to secure the vessel, the vessel was pulled away from the dock. Due to unsafe conditions on the vessel, Plaintiff was caused to fall, landing on the gunwale of the vessel. Following Plaintiff's fall, Plaintiff was taken to a hospital for evaluation and treatment. As a result of Plaintiff's fall, he was caused to suffer severe debilitating injuries and has been unable to work since the incident. Plaintiff expects to show that he is permanently disabled and unable to work.

b. Defendant

2. Facts established by pleadings or by stipulations or admissions of counsel:

There appears to be no dispute about whether Plaintiff fell from the ladder on the vessel.

3. Contested issues of fact

Contested issues of fact relate to the circumstances under which Plaintiff fell from the ladder on the vessel. The nature, extent, and effect of Plaintiff's injuries are also contested issues of fact.

4. Any jurisdictional issues:

None.

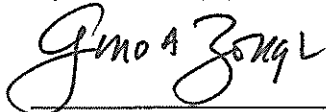
5. Any questions raised by pending motions:
None.
6. Issues of law, including evidentiary questions, together with supporting authority:
None.
7. Any requested amendments to pleadings:
None.
8. Any additional matters to aid in the disposition of the action:
None.
9. The probable length of trial:
Three days.
10. Names, addresses, and telephone numbers of witnesses to be called:
 - a. Plaintiff:
 - i. Captain Ray Neary of the Penn2
4074 Stoney Lane
Doylestown, PA 18901-1159
Telephone unknown
 - ii. Ship Mate of the Penn2
Tom Heath
227 Sinclair Avenue
Annadale, NY
Telephone unknown
 - iii. R. Smith
Engineer
Address and telephone number unknown at this time
 - iv. R. Borges
Deck Hand
Address and telephone number unknown at this time
 - v. Richard S. Jaslow, M.D.
Bayside Orthopaedic Inc.
300 C Faunce Corner Road
North Dartmouth, MA 02747

(Dr. Jaslow's testimony is likely to be provided by deposition)

- vi. Any witnesses on Defendant's list
- b. Defendant:
 - i. Thomas Heath - may be presented by deposition
 - ii. James Sweeney
 - iii. Benjamin Rosenstadt, M.D. - may be called if need arises, may be by deposition
 - iv. Charles DiCecca, M.D.
 - v. Custodian of Records of Underwood-Memorial Hospital
 - vi. Custodian of Records of Southcoast Hospital Group
 - vii. Any witnesses on Plaintiff's list
- 11. Proposed exhibits:
 - a. Plaintiff:
 - i. All medical records related to the treatment of Plaintiff following the incident.
 - ii. Ship's Log.
 - b. Defendant:
 - i. Penn No. 2 log book, 2003;
 - ii. Ladder requisition form and purchasing invoice;
 - iii. Southcoast Hospital Group records;
 - iv. Underwood Memorial Hospital records;
 - v. Photographs of Penn No. 2;
 - vi. MRI report of Shields Health Care Group of May 20, 2003;
 - vii. Records of Richard S. Jaslow, M.D., Inc. (may be introduced if need arises)
 - viii. Penn Maritime, Inc. Company standard incident report;
 - ix. Records of maintenance and cure paid plaintiff by Penn Maritime, Inc.
 - x. Records of CORI (may be introduced if need arises)
- 12. Parties' respective positions on any remaining objections to the evidence identified in the pretrial disclosure required by Fed. R. Civ. P. 26(a)(3).

None.

Penn Maritime, Inc.
By its Attorneys,



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